IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12355 of 2004

Between:

Pulgam Chinna Linga Reddy S/o Rami Reddy
Pullamavari Gudem Balemla Revenue Village suryapet Mandal, Nalgonda District

..... PETITIONER

AND

1 The District Collector Nalgonda District
2 The Mandal Revenue Officer Suryapet Mandal , Nalgonda

District
3 The Panchayat Secretary Balemla Village
4 P.Narsi Reddy S/o Rami Reddy
Pullamvari Gudem Balemla Revenue Village, Suryapet Mandal

Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or any appropriate writ or writs or direction/s more particularly in the nature of writ of Mandamus declaring the impugned notice dt. 18/06/2004 issued by the respondent No.3 as illegal, arbitrary, without jurisdiction and in violation of principles of natural justice.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following O R D E R:

The writ petition is filed to issue a writ of Mandamus declaring the impugned notice dated 18-06-2004 issued by the third respondent, as illegal, arbitrary and without jurisdiction.

The petitioner is the owner of various extents of agricultural lands situated at Pulgamvari Gudem Village, Balemla Revenue Village, Suryapet Mandal, Nalgonda District. Since the well which was existing to irrigate the lands was dried up, the petitioner dug a bore well and drawing water from the said bore well to irrigate the lands. While so, the third respondent, by the impugned notice called upon the petitioner not to use the bore well motor as the bore well was dug in contravention of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short “the Act”), as complained by the fourth respondent.

Since it is only the Mandal Revenue Officer, who can exercise powers under the Act and who can register the bore wells or prohibit from digging the bore wells, that too, after issuing a notification, the third respondent has no jurisdiction to order closure of the bore well or prohibit the petitioner from using the bore well. Learned Standing Counsel for the third respondent also not disputed the same.

Having regard to the facts and circumstances of the case, the writ petition is allowed setting aside the impugned order passed by the third respondent.

_____

20-07-2004

vrn

To

1 The District Collector Nalgonda District
2 The Mandal Revenue Officer Suryapet Mandal , Nalgonda

District
3 The Panchayat Secretary, Balemla Village
4 Two C.Cs to the Government Pleader for Panchayat Raj and

Rural Development, High Court Buildings, A.P., Hyderabad

(OUT)

5 Two C.D. copies